

or a salt thereof, to an alkylation reaction,

wherein B and D are each lower alkyl,

C is hydrogen or lower alkyl,

A<sup>3</sup> is a benzyl group [which has] substituted by amino, or a benzyl group [which has] substituted by amino and lower alkoxy, and

A<sup>4</sup> is a benzyl group [which has] substituted by mono- or di-lower alkylamino, or a benzyl group substituted by [which has] mono- or di-lower alkylamino and lower alkoxy[,].

Claim 9, line 3, change "ingredients" to --ingredient--.

Please add the following new claims:

10. The compound of claim 1 wherein B and D are each an isobutyl group.

11. The compound of claim 1 wherein A and A<sup>a</sup> are each a benzyl group substituted by a para-methoxy group.

12. The process of claim 7 wherein B and D are each an isobutyl group.

#### REMARKS

Claims 1-12 are now active in the application. Undersigned counsel thanks Examiner Russel for a helpful discussion of the issues in this case. Favorable reconsideration is requested.

The present invention relates to new depsipeptide compounds having antiparasitic activity.

Claims 1 and 9 stand rejected under 35 U.S.C. §102(b) over Japanese Patent Application JP8926739 (JP '796).

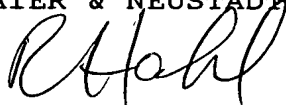
As now presented, the claims clearly recite that a substituent is present on Group A when it is benzyl. The compound disclosed in JP '796 has an unsubstituted benzyl group at position A without any suggestion to add a substituent, as was noted by the Examiner.<sup>1</sup> Accordingly, the claims are not anticipated or rendered obvious by the reference.

Claims 1-9 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. This ground of rejection has been obviated by appropriate amendment.

Applicants submit that the case is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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<sup>1</sup> Page 4, line 21-27 of the Official Action.

